

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MICHELLE M. TORREY  
Loss of consortium

Plaintiff,

v.

Civil Action No.  
24-10864-WGY

CITY OF BROCKTON  
UNITED STATES OF AMERICA  
COMMONWEALTH OF MASSACHUSETTS  
STATE TROOPER BRIAN RICHARD KILFOYLE, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY  
DEPARTMENT OF FEDERAL PROSECUTORS' OFFICE FOR DISTRICT OF  
MASSACHUSETTS  
KAITLYN O'DONNELL INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS A  
FEDERAL PROSECUTOR

Defendants.

**MOTION TO LEAVE AND FILE**

**VERIFIED AMENDED COMPLAINT FOR A CIVIL CASE**

Michelle Torrey sues City of Brockton , United States of America, Commonwealth of Massachusetts, State Trooper Brian Richard Kilfoyle Individually and in his official capacity, for a gluttony of Constitutional violations, Civil rights violations, as well as violations of state and federal law. Not limited to committing crimes, stealing currency and other articles of personal property. Violating Due Process in Forfeiture proceeding 19-CR10296, Excessive Fines and Discrimination violation of my civil rights and Constitutional Rights. The Plaintiff and all occupants of 294 Prospect Street Brockton, MA 02301 were subjected to violations U.S.C.A. § 24 (2)(d)(1) A, U.S.C.A Constitutional Amendment 4; U.S.C.A. Amendment 5, 31 U.S.C.A. § 5317, 19; U.S.C.A. § 1615, U.S.C.A. Constitutional Amendment 8; 18 U.S.C. § 983 (c), Violations of Civil Asset Forfeiture Reform Act of 2000, Violations of 18 U.S.C.A. § 983 called into doubt Unconstitutional see United States v. Mendoza D.N.M. Sept 11, 2020 Title 18 Part 1

Chapter 46 February 18, 2016, 28 U.S.C.A. §§ 1345, 1355. Violation of Federal Rules of Evidence (404) b and 403, 21 U.S.C.A. §§ 881. 28 U.S.C.A. 2416(d)(1)(A), 42 U.S.C.A. § 1983; U.S. Constitutional Amendment 14; 21 U.S.C.A. Constitutional Amendment 6 § 853 (n)(e)(c) Violation of Health and Sanitary Code 114884 (i) in its entirety ; 18 U.S.C.A. § 983 General Rules for Civil Forfeiture Proceeding (1) A (i) (ii) (iii) (I) (II) (IV) (V) (B) (C) (D) (F) (2) (A) (C) (I) (3) (A) (4) (A) (5).

## **BACKGROUND**

On the night of July 16, 2019, before midnight, my son was arrested by Massachusetts State Police and New Bedford Gang Unit. When he called me, he stated that he was assaulted and sodomized by a Massachusetts State Trooper later identified as Massachusetts State Police Trooper Brian Richard Kilfoyle. Christian had used his first phone call somewhere between the hours of 5:00am and 6:00am to advise me of his arrest and he said he was assaulted; this is all on a recorded line. I subsequently made my way to the Massachusetts State Police Station in Dartmouth to bring him some clothing. In tears I pleaded but I was denied access to see him by the officer at the desk. I was advised that my son was okay and he reassured me that my son was fine when I pressed on and inquired about his physical condition. I asked if I could see him for a moment and that request was denied. The officer then took the clothing I had brought for my son to appear in court that morning and yet again assured me that my son was physically fine. Still crying, as a mother would be, I left the State Police Barracks. I called his attorney which I hired and found and paid the fee to Mr. Krowski I asked if he would represent him in this matter. I meant Mr. Krowski at New Bedford Court and gave him 10,000.00 in cash. Which was not the whole fee just a retainer. This case never went to trial and limited motions were ever filed. The Federal Prosecutor Kaitlyn O'Donnell waited almost 2 years to charge my son from date of warrantless warrant. She coordinated a superseding indictment in ultra secret grand jury proceeding and all evidence due to protective order my son still to this day has not seen all evidence This is highly illegal. Any person being accused of a crime must see evidence before trial well as P.S.R. that the first time he saw was when sentenced. He told this to the judge in open court that he just got P.S.R which bye the Courts rules he was supposed to review 30 days prior to sentencing. He said the Prosecutor and his Attorney were colluding and he wanted to

withdraw his plea. He only plead guilty to escape the abuse in Philadelphia at prison by guards. However Judge Young sentenced him anyways. My son before trial/plea sentencing recused his lawyer Mr. Krowski as he claimed also that when he was on the phone with Attorney Krowski and Kaitlyn O'Donnell was on some type of 3 way and was listening to their conversation when he said something disparaging about Ms. O'Donnell spoke, and the call abruptly terminated. He tried calling the Attorney back multiple times and he would not answer. He was being beaten in Philadelphia at this time and he had a caseworker that had to go in a room with him when he used the phone which was only for Attorneys as he was not able to call his family for over 2 months and THIS IS HAPPENING NOW, I HAVE NOT TALKED TO MY SON FOR ALMOST 3 MONTHS. As I knew before, I know now he is being abused. Why can't he call and say Merry Christmas Mom??? There are no checks and balances for Court paid attorneys, prisons, and the Courts for its bad and sometimes illegal prejudicial behavior. Apparently, its citizens must follow the law or face consequences but I have yet to see any consequences for all the bad behavior that caused direct harm, prejudice, financial ruin. I have numerous texts and emails that Mr. Krowski made the statement that he does not represent my son in the new Federal case. I did not pay him on this case. Besides running 2 motions to show compassionate care/release was only thing I can see that was filed on this case. I have on my devices computer phone texts and emails at least 25 I have records as according to his own words he does not represent him on new charge which would be the criminal charges brought against him in the warrantless home invasion on March 23, 2021. Ms. O'Donnell put new charges on old 2019 charge called it a superseding indictment. He never was provided with a lawyer as he has disabilities and was on an ankle bracelet unemployed and waiting for social security due to social and emotional effects which he has suffered from before kindergarten

After one week of digesting the abuse that my son Christian Soares had endured, I called the Governor's office. Mr. Charles Baker was in office, I requested that an investigation be conducted to explain the events that had transpired. Almost a year passed from date I sent a request to the Governor's Office and no report was sent to me. I know that an investigation was done as I was contacted by an investigator and asked a series of questions, he was very unprofessional and after making many statements I knew too be false or I felt were untrue I terminated the call but only after more than 10 minutes of answering his questions and gave my

full accounting of the events. I answered all questions accurately and truthfully. I was told by the Governor's Baker's Assistant that I would receive a copy of the complaint when finished . I never received a copy of that report. I asked Christian's Attorney if he received the report and if so, could I obtain a copy? He said he did not have the report. It was subsequently brought to my attention that just a few months after this incident occurred with my son, State Trooper Brian Richard Kilfoyle was arrested in a Newport, Rhode Island strip club in September of 2019 for disorderly conduct, fighting, and resisting arrest. See Exhibit 7, 7a, 7b. My son immediately told what he thought to be Mr. Kilfoyle's superior officer when arriving at the station about the assault and he needed immediate medical attention his requests were ignored. He was eventually brought to hospital because he refused booking until he got medical attention. He was taken to the hospital by his abuser, Mr. Kilfoyle, which is a violation. The accusation of rape should have immediately prompted at bare minimum by Their standards an investigation. His abuser was allowed to bring him to hospital alone and intimidated him throughout the car ride and then to be in the room while my son is trying to describe a very traumatic event is unthinkable. My son is screaming HELP, HELP on video and then cries out RAPE my son screaming "Rape!", as Mr. Kilfoyle had him naked in the streets of New Bedford, ripping hair from his rectum area and penetrating him with an object. This video is on my phone, and I received it from my daughter who was sent this video. He is heard commanding the officers to "break his legs" and ordering officers to spread his legs while he inflicts pain for personal gratifications. The shrieks and wails of pain is disturbing as he is completely helpless. This was not a legal search and in fact a warrantless entry if Mr. Kilfoyle wanted to investigate his rectum there is clear police rules and procedure for that type of search. My son clearly had reasonable expectation of privacy. As privacy, dignity, of such a search is reserved for privacy of a police station, hospital, case law even states a hotel room, but this type of search requires privacy. Not in the middle of the street or on the side of the road. Blatant disregard for his human rights as well as his violating my son's 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 14<sup>th</sup>, 18<sup>th</sup> Rights and such an action of indifference will be subject to rule 242. This is clear abuse under the color of law. Mr. Kilfoyle must be held accountable for these actions that violated constitutional law under state law and the code of conduct of any policies and procedures of any police dept within the Commonwealth. This event has caused a loss of consortium to the mother and entire family unit. It took me 2 weeks or more to watch the video my daughter saw and told me about. I did not want to watch or hear it as she described what she

saw and heard while playing the video. I finally got the courage to press play and watch it myself. I was devastated and furious at the same time at the thought that someone would inflict pain on another with malice and menacing behavior that he clearly knew was wrong and against the oath which he had taken, as well as Federal Law, Massachusetts State Law and Code of Conduct of the State of Massachusetts in which Mr. Kilfoyle took a sworn oath. After viewing that heinous video I brought it to Attorney Krowski to take action immediately. Mr. Krowski did nothing to my surprise. When I asked for report that he said we would get once it was completed and he would give it to me once he received it. Currently over 3 years later, and he recently stated via text he did not have the report. I was extremely upset and disappointed as the report should show clear abuse of arresting officers as the video cannot be misinterpreted. I have made multiple requests to Governor's Office where I initiated the investigation and was told again, I would receive a copy when complete however to date I still did not receive as I REQUESTED MULTIPLE TIMES AND EVEN DID A PUBLIC REQUEST (FREEDOM OF INFORMATION REQUEST). My son unfortunately has bipolar diagnosis and other mental health, and I am very familiar to Agencies in our Commonwealth that are supposed to investigate a violation and protect or do not find sufficient evidence to support. I went through a similar incident when he was in DYS and 2 workers beat him. I came to visit him as I did twice a week and as soon as I noticed the bruising and swelling, I requested tom take pictures of my son. They denied me the right to take pictures and ended my visit but not before my son admitted they had beaten him. I was asked to leave, and I called Taunton Police, and they would not take a report. D.S.S. now D.C.F. did a report and investigation where they claimed no evidence. However, I am persistent and told D.S.S. investigator pull the cameras and observe the day abuse was reported and sure enough you see my son being chased down bye two older workers almost 30 years old after a 14-year-old. DYS made a settlement agreement in this Court and suit did not go to trial. My son, even when he does bad, he tells me the truth which is our agreement. I can take the truth, but a lie goes through my soul. I saw the bruising that was not there they weekend before They reopened the investigation and sure enough his claim was substantiated and a 51A was issued on both workers that physically assaulted my son as well as other employees tried to cover for coworkers by giving false statements

**INTRODUCTION/STATEMENT OF FACTS/AFFADAVIT OF MICHELLE TORREY**

While awaiting trial for the above referenced arrest, the Coronavirus pandemic struck and by request of his counsel which I advocated Christian was granted by your court magistrate compassionate release to come home on an ankle bracelet with home restriction due to the pandemic, and he was released. Upon release Probation would monitor him via the bracelet and if ever they received an “out of range” notification, they would call and he would confirm that he is in fact at home, usually in bed, sending a picture to confirm his whereabouts. This sequence of events kept occurring. I took my son to Federal Probation in Taunton as requested by Probation and a probation officer switched out his bracelet in case it was defective. In the following days calls continued to come in from the Probation Department in which I witnessed probation calling him while he was in fact inside our home, yet the bracelet was still giving an “out of range” signal. He would then proceed to take a picture and send it to his probation officer, as he had done prior. His probation officer subsequently informed him that if this continued to happen that he would be violated. Christian asked why he could not have a GPS monitor bracelet instead so they could accurately see his location, and that he was on the property. He was told that they use what they have available. Prior to his release, the Chief Probation Officer came to our property to inspect, and we tested the range to determine if Christian would be able to take on tasks on the property like assisting in caring for the animals and livestock since we tested how far he could go in the rear yard without triggering an “out of range” alert. At that time the Chief Probation Officer determined that he could walk the dog in the rear yard and also go to the chicken coop to assist in the care and upkeep of the chickens. There was only one time that I witnessed where we received a call indicating he was out of range when he was in the rear yard with the dog. Every other time he was inside the house. His Probation Officer called the day before my house was illegally raided by agencies and Jane and John Doe’s, that he violated him and he was to appear in court the following day at 8:30am April 6, 2021. The date and time of when Christian was to appear in court was confirmed and Christian confirmed that he would be present at the required time. It is up to the judge to decide whether he violated probation. The actions of the Probation Officer were a clear violation of due process as my son never got a chance to explain that the “out of range” violations could have been a result of faulty equipment or the misleading Chief Probation Officer that told him he could go outside and perform the duties of the home (ie walking the dog and feeding the livestock). As a team, the Chief Probation Officer, my son, and I, tested and determined it was within range.



It is my sincere belief that the Probation violation that resulted and lead to the following events was a result of the ankle bracelet failing to operate as intended or that the violation was actually retaliation for the investigation of Massachusetts State Trooper Brian Richard Kilfoyle. I believe that State Trooper Kilfoyle conspired with other State Police officers and Investigators to muddy the waters for his blatantly clear violations of my son's Fourth and Fifth Amendment Constitutional rights and his Right to Reasonable Expectation of Privacy, 25 Ohio Jur.3d Criminal Law : Procedure 131U.S. Court admen.4;Ohio Const. art. 1, 14 Eads 2020-Ohio 2805,154 N.E.3d 538(Ohio Ct./App 1<sup>st</sup> Dist. Belmont County2020.that took place in July 2019. Although I did not receive a copy of the investigation into Mr. Kilfoyle's misconduct and abuse of power, I was informed by my son's attorney at the time, Joseph Krowski, that Mr. Kilfoyle was not allowed to interact with the public in a professional capacity and was on some type of "desk duty". "Desk Duty" is far from the appropriate punishment for someone who was caught on video clearly perpetrating a crime. In the referenced video, Mr. Kilfoyle can be heard yelling "Break his legs", This is inexcusable he is helpless defenseless and screaming in pain while totally defenseless in the video. Mr. Kilfoyle strips off his clothing, yanking down his pants, and multiple other officers hold Christian down in various restraints while Mr. Kilfoyle inserts a foreign object into his rectum. Immediate termination a minimum should have been the consequences for said actions.

The events that very clearly took place are clear violations of Constitutional law and civil-rights 42 U.S.C. § 1983. See Hope vs Pelzer 2002 This case deals with qualified immunity and it involved Correctional Officers, but the principle applies to Police Officers as well. The Supreme Court held that officials can be liable for clear constitutional violations even if there are no direct analogous case, as long as the unlawfulness of their actions are present.

In the early morning hours before 6:00am on March 23, 2021, the Brockton Police, FBI Agents, State Police and ATF Agents breached the door of my home, they did so in a violent fashion, without knocking, and without use of a loudspeaker. A flash bang or some kind of explosive device was used to gain entry into my home. It was the loudest noise I've ever experienced in my life and shook my bed which was located directly above the side door where they breached my home. I jumped out of bed as I was confused and thought someone had gotten shot, and the only

person that I thought was in my home downstairs was my son. I was not dressed, and I went to my foyer and saw what I thought was an alien flying in the air with what looked like long legs and lights at the bottom. I screamed for my boyfriend to help me as the house was sparsely lit. I keep all lights off in my house at night with the exception of foyer light which is dimmed significantly to almost off. I could not see clearly due to lighting. I went to get my bag that had my inhaler because I was having an asthma/anxiety attack and was gasping for air. I ran to my bathroom and when I saw my daughter coming out of her room, I yelled to her to get back in her room because "aliens are in the house". My daughter yelled "Mom, it's the police, and that's a drone." I yelled again for my boyfriend telling him this time that the police are here. He proceeded to look out the window and a red dot immediately appeared on his forehead. I looked around and we all had red dots on our foreheads.

At that moment in time, I was absolutely terrified as none of us knew what was going on. We heard a loudspeaker come on ordering us to come out of our home with our hands up. The drone kept flying towards us which made it impossible to get down the stairs. Once we heard instructions again, after multiple attempts to get by the drone in the middle of the staircase on the second-floor landing, I hit it with my arm to pass and it fell down the stairs. The drone appeared to be disabled on my kitchen floor and was subsequently kicked by me to exit my residence. The drone was now 2 feet from the door and all the lights were off. I was the first to exit my home and was asked where my son was in the home. I advised them that he was in the basement, and they began to smash all the windows on the lower level (a.k.a. the basement) in an attempt to gain entry. While I was being manhandled and dragged out of my home, I stumbled and scraped up my knee on broken glass that was strewn across the concrete landing at the end of the steps. My knees were scraped and bloodied.

During their initial attempt to enter my home, they were met, by our pit bull, and this deterred the agents from entering the property now and at the inception of breach of door with explosive device. The Agents already contacted Brockton Animal Control and waited for the dog to be removed. While waiting for Animal Control to arrive, my daughter attempted to explain to officers and agents that her brother has mental disorders and pleaded with them not to aggressively approach him. As she knows when placed in an uncomfortable situation he may go



into a fight or flight mode which is recognized by most psychiatric physicians. She even went as far as to have one of the agents “pinky promise” that Christian would not be harmed. Now outside of the home, I looked around and noticed that the streets were blocked off with standard police cruisers with their emergency lights on, and with 2 military type vehicles, perhaps army style tanks as well as at least 15 unmarked vehicles in my driveway and on the Street. There were at least 40-60 law enforcement officers/agents present and on the backs of the vests that I could see the words “F.B.I.”, “A.T.F.”, “STATE POLICE”, and “BROCKTON GANG UNIT”. Most of these Agents and officers were in plain clothes and at least 20 persons in army fatigues. All of them had what looked like AK automatic weapons, all drawn on my house which was illuminated with high powered lights.

I knew they were going to assassinate my son and I felt if he resisted and did not comply in any way that he would be murdered; I had to do something. I yelled out as loud as I could to my son Christian to come out of that house now! I started to cry aloud as I watched the officers and agents going up the stairs with guns drawn. Before entering, I saw my son appear in the doorway and the officers running up the stairs even though kitchen lights are out as well as all others on the first floor and home is pitch black the lights from high powered strobe style light law enforcement were using made it easy to see my son in doorway before they entered the house he appeared in the doorway with Ms. Bingle behind him. Law enforcement pushed him back into foyer and you can see him backed up into Ms. Bingle. Officers immediately put him in handcuffs and placed a mask on him. This occurred in the foyer, clearly visible for everyone including myself to see. As he was passing by, he said, “I love you Mom” and I asked him what is going on. He said, “They have a warrant for a probation violation”, which is a body warrant, not a search warrant. I was confused he has court in a few hours and why would they do this when he has not even gone to court; thinking inside my head. Go back in the house and go back to bed. I have court in the morning. Tell them to leave, I’m in custody. They do not have a search warrant. Tell them to leave, they have no right to be here now that I am in custody”

Immediately I told law enforcement agents that I was going back into my home and to leave the premises. They were not in my home at this time, they were detaining Ms. Bingle on the side porch, you can see this on video. I also told the now growing group of onlooking neighbors, “Go

back in your house.” “ Nothing to see here.;Party over” as many neighbors were now out of their homes watching the events unfold. An agent approached my boyfriend and myself where we had been positioned previously and gave me the jewelry that my son had on and said “He is okay. He said he is sorry and he loves you.” Since Christian had been very respectful and surrendered without incident, the agent complied with Christian’s request to give his jewelry to me. My daughter, my son, and I all instructed law enforcement to leave my property several times. At this point in time, they only had a body warrant for the arrest of my son Christian. When he met them at the door and he was placed in handcuffs and placed into a parked law enforcement vehicle located on the Street that was the end, that is where their right to be on my property ceased. I have video tape evidence showcasing the events of him being led away and multiple calls for the Police to leave. On video that has been presented the loudest voice was that of my daughter stating Leave and that they lied and told us they had a search warrant when in fact it was as my son clearly stated a probation violation warrant which was for his body not my home. A video submitted as evidence {Exhibit 9 will clearly show the violations and disrespect shown toward righteous law-abiding citizens being terrorized in their own home by the same folks that are sworn to protect you. The video submitted into Evidence Exhibit 9 will show after my son had already been taken into custody, the sky was still dark, indicating that it was at or before dawn that he was taken into custody. There was no probable cause, no emergency, no plain site as I do not have drugs in my home hanging out in plain sight or out of sight, no threat of violence, no one asked them to clear my home as we were all sleeping and occupants were supposed to be there so they had no right to enter my home after my son was taken into custody. I already retold them I was going into my home and retrieving them. The total disregard of homeowner's concise directive was not followed entry into her own home. I again state this was a rouse to have an excuse to reenter the property for their property 2 feet into my residence they were told I would return and they were not welcome in my home as I have had stated they were told to leave and refused. They expected a shootout with my son clearly based off show of force. While law enforcement was conducting an illegal search of my home, under the guise of retrieving the drone that was a mere two steps into the property from the side door, Heather Bingle was then led and placed just a few feet from where my family was placed and told to stay. Before Ms. Bingle’s and my son’s phones were illegally confiscated by law enforcement, she was able to start a video recording of the events that transpired, all while being handcuffed. I

then made another request to law enforcement that they leave the property and that I wanted to go into my home to use the bathroom. I was told no and was denied access to my property to retreat into the comfort of my own home and not be further subjected to embarrassment by on looking neighbors. While still recording, Ms. Bingle stated, "I have you all on video. They're being illegal as F\*\*\*." Once agents were aware that they were being taped breaking the law and the 5<sup>th</sup> amendment of search and seizure, an altercation began between law enforcement and Ms. Bingle to confiscate her phone so she would not be able to memorialize the events. Officers were being aggressive with Ms. Bingle, pointing their weapons at her stomach. The barrel of the rifle was touching her person. A back and forth ensued between Ms. Bingle and law enforcement and my daughter and I can be heard asking them to leave her alone. Before this situation spiraled out of control, a female officer stepped in between Ms. Bingle and other law enforcement officers and diffused the altercation. The female officer states, "I got you girl" and moves her closer to my family. My daughter also told officers to leave that they were illegally searching our residence lying about they were getting their property when in fact I said after my son was in custody I would retrieve and give to them the drone 2 feet inside my home in a small Foyer where drone was located as I saw officer bend down and retrieve drone. But instead of coming out more officers entered and began to search the premises and plant evidence they were not allowed on premises and had no reason to be in my home. Then Ms. Bingle is instructed by other officers, including the two aggressors, to go to the front lawn, about 30 feet or so from where we were standing. Law enforcement officers then began to question Ms. Bingle, search her person, and was told to open her pocketbook. They then took her pocketbook, went through it taking a wad of cash placed purse on the ground, and took multiple cell phones and a wad of cash and placed in a bag with phones. She asked them why they were taking her belongings and they stated it was part of the investigation because she had recorded them., her phone was to be seized. Ms. Bingle stated "There are multiple phones, why are you taking them all? Two, that I saw I believe belong to my son." One of the law enforcement officers then proceeded to tell her to "Shut the F\*\*\* up. You're going to jail." They then joked trying to trigger her that they were going drinking and partying with her money tonight. I could not hear her response. One of the agents called her probation officer asking if she was to be violated for her association with Christian. I do not know what the probation officer said but, in the end, Ms. Bingle later left the property not subject to arrest.

While the altercation and exchange with Ms. Bingle was unfolding, I witnessed more officers entering and exiting my home. They were in my home for at least 20 to 25 minutes. Carrying out a lightweight drone does not require multiple officers. It wasn't until it was daylight out when the same officers who broke the law by remaining on my property violating my rights 4<sup>th</sup> and 5<sup>th</sup> amendments as well as after already having the subject of their body warrant in custody, came out of my home with planted evidence in a red bucket. I typically use that very same red mop bucket to clean and sanitize my floors, so it smells strongly of chemicals on a regular basis. They then told us to move away from the stone wall that there were "very dangerous drugs, Fentanyl" that could kill us in the bucket full of water.

After the exchange with Heather Bingle took place, I again requested for law enforcement to leave my property so I could use the bathroom and get ready for court as well as an appraisal to prepare for an appraisal appointment I had previously scheduled for 10:00am. I was told we had five minutes to collect any clothing and use the restroom, but we were not allowed to be in our home without law enforcement present. While in the home retrieving some clothing, I disclosed to the same female officer that had intervened on behalf of Ms. Bingle, that I had a safe that was bolted into the floor and was fireproof in my bedroom. Additionally, I disclosed that there was a large sum of money in said safe, approximately \$150,000.00 or more. In one money bag I know as I counted it had over 68k. She then told me that I would be required to give them the code to the safe, at which point I said, "Absolutely not!" After retrieving some articles of clothing, I then asked if we could leave the premises. Since we were not allowed access to our home that we pay for and they had no legal warrant I would have to rent a hotel room to house our dog that had been returned from Animal Control and to have a place to shower and get ready for court and work. We were told we would not be allowed back into our property, that the property is frozen. I asked, "what does that mean" and an FBI agent replied that I would not be allowed into the property until they obtained a search warrant and completed a search. I said, "you already searched my property without my permission for over 25 minutes." He stated again that I would need to make other arrangements to get ready for work. I asked, "Am I allowed to leave?" The law enforcement officers talked amongst themselves, and we were told we could leave but they must search our person and our vehicles before leaving the property. They conducted said search

of our vehicles and a female officer did a frisk on myself and daughter while a male officer patted down my boyfriend.

I rented a room at the Holiday Inn in Brockton. While I was getting ready for my appointment, Attorney Bill Sims finally returned my call since I had called him over 20 times. He instructed me to cancel my appointment and immediately return to my property. I asked him why as I had a very important appointment. He told me "You do not know what is going on at your home. They could be bringing anything in or out. Get back to your home immediately and start videotaping to memorialize." I told him that they told us multiple times that we could not record as my daughter, and I were both threatened that our phones would be taken into custody as evidence if we continued to record. We were told that if our phones were taken that we would not receive them back until the trial was over, which would be multiple years. I am a realtor by profession and my phone is the most important tool required to facilitate my job duties. Attorney Sims told me that as soon as I got back to the house that I should have my boyfriend record instead of me. He further instructed me to give my phone to law enforcement upon my arrival with him on speakerphone so that he could so that he could ask law enforcement under what authority were we being denied access to our property. I have a recording of this sequence of events and will be presented as Evidence during this trial.

When I returned to my property, FBI agents were still in my home. I observed from across the street since that is where I parked, as my driveway was full of law enforcement and their vehicles as well as the street could see them coming and going from the interior of my home. I was on a hill and could see multiple agents in my backyard searching the exterior of the property with a canine. as well as a large container that I saw Adilson Teixeira with the previous day. I walked over from across the street. As soon as they noticed my presence I heard one agent tell the others to get out of the home, "she's back". I told my boyfriend to start video Attorney Sims had a conversation with law enforcement and will be a witness at trial. Attorney Sims went on to tell me directly that when the warrant does arrive that I am to go with the law enforcement officials' room to room but to stay out of the way and record.

After ending the conversation with Attorney Sims I asked law enforcement agents if I could be in my home while the property was being searched, as I understand it is my legal right and was also advised of such by my attorney. They said, "No". I immediately called Attorney Sims but he did not answer. Christian's attorney Joseph Krowski was in court and could not assist so I called Attorney Paul Clancy, briefly explained what was going on and asked him to come to my home. Within 15 mins he arrived. Attorney Clancy was at my home for approximately an additional 30 mins before the "warrant" arrived. During that time, I conveniently had in my vehicle a copy of a settlement sheet that showed that approximately three months prior I received well over \$220,000.00 proceeds from the sale of my previous home. I explained to Attorney Clancy that some of the money that was in my safe was proceeds from that sale. The monies that were in my safe was a combination of proceeds from the sale of my previous home as well as earnings from my employer I had been saving since 2017. I was extremely worried that money in my safe would be stolen as I had already witnessed Ms. Bingle's money being taken and her being told by the law enforcement officers that they'd personally be spending it later that night. Attorney Clancy took the settlement sheet and started talking to an agent that he personally knew that he said was involved in a forfeiture/seizure from a raid that was conducted at Attorney Clancy's father's residence. He explained my concerns to the agent and showed him the settlement sheet and explained that this money was honestly earned and acquired that I am a highly successful real estate agent and make above 6 figure yearly income. And should not be subject to seizure or forfeiture. He said, the Government cannot establish a nexus between the money in my safe that was in my bedroom that has a lock on the door to be considered drug money or money derived from illegal activity subject to forfeiture. After much discussion he convinced me to give the code to the safe to the law enforcement officers under the understanding that it would be protected and not be considered to be derived from any wrongdoing He assured me that unless there was other contraband in my room that they would leave it Although it was not something I was comfortable with, I reluctantly gave the code to my safe to avoid what officers said would transpire if I did not. I had moments earlier been told that if I did not willingly give them the code, that they would have to use explosives to enter the safe and that my personal belongings in the home, as well as the structure of my home may be compromised in the process.



While my mother and I were sitting on the front steps and Attorney Clancy was speaking with the agent that he knew, several officers came running towards the front yard on walkie talkies and I overheard mention of a white male that had wandered into my backyard, saw the officers and ran from the backyard into a silver/grey vehicle and fled. Multiple officers were observed running to their vehicles that were parked in front of my home. The female officer with blond hair stated not to worry, she had every license plate number for the last two weeks of anyone who had come and gone from my residence. She stated the property has been under surveillance for over two weeks. If this was the case and law enforcement felt illegal activity was taking place at my home, they had all the time to apply for the correct warrant and not use a probation violation as a vehicle to illegal search and steal assets of an innocent owner as well as expensive jewelry and a irreplaceable one cent red stamp with 2 other stamps of low denomination 2 or 3 cent stamps that were being carefully stored in safe locked in a mostly locked bedroom when myself or my boyfriend are not in home our door is locked. My kids do not go in my room unless I am home.

A few minutes later, the warrantless warrant finally arrived March 23, 2021, at which point it was presented to Attorney Clancy for review. However, it was a warrantless warrant, as agents illegally searched home, fabricated the facts, and planted evidence to obtain a warrant from the magistrate or judge. He asked if he could be in the home while it was being searched to calm my anxiety of any possible theft or deliberate destruction of individual property. He was told "No", By Agents and State Police on scene. At this point Attorney Clancy left the property as there was nothing further, he could do to assist me. Attorney Clancy will be subpoenaed to testify to these facts.

While the illegal search of my home ensued, my mother and I remained on the front steps of my home. I witnessed an FBI agent going into a black truck and he pulled out a flat object with what appeared to be baggies of drugs on top of it and brought it into my home. While he was approaching my home, I asked him "What are you doing? Are you bringing drugs into my house?" He ignored me and continued into my home. I have some of this on video which will be presented during trial. I had to be very careful trying to video tape as we were told we could only

be on the front steps which gives no view to side of home where law enforcement was going in and out through side door it cannot be seen from front steps.

By the time the search ended several hours later, my mother, boyfriend, and I, along with our dog, were relocated to the rear of the property by Law Enforcement Officers. As previously we were being sequestered in the front yard. After two minutes of sitting on a bench in the back yard where there were numerous officers and a canine, an officer started to yell for assistance. He pulled an automatic rifle from a wood pile. I feel as these events were orchestrated, and agents had plenty of time to plant evidence as they were in the rear yard with no oversight for hours. They had access to my home for at least an hour and a half while I left the premises to rent a hotel room for my family and me.

Within a half hour later law enforcement came to the back yard and told us they were packing up and asked me to sign an inventory list. I noticed that the inventory list had been marked down that currency was taken, however, no amount was listed. I asked them "did you take my money out of my safe to which they replied "Yes". I again provided proof of funds in safe were earnest monies that my hard work for many years had derived and were the fruits of my labor as I work every day but holidays no vacations and make over 150000 a year. I again went through the closing statement of the sale of my home 4 months prior with agents and advised that they were not legally able to seize those funds as they were honestly acquired and not subject to forfeiture as no illegal activity was involved. I requested that they put down an amount on the inventory list sheet. He stated, they did not count it. I told them to come inside as they had plenty of agents on scene to count my money. I followed a few agents into the kitchen the rest of the entourage departed; where we sat at the table and each agent stack of money to count. I noticed my money was not banded as it had been when I had placed it in the safe. When my money was placed into the safe in money bags, each band contained \$1000.00 in \$100.00 dollar bills it had a band given from bank with bank tellers initials and date, by the bank tellers at the Bank of Easton. Additionally, the bands of hundreds were in Bank of Easton white envelopes, and those white envelopes were in Bank of Easton money bags. There were two money bags present in my safe in the evening when I went to bed as I had taken money out of envelope on top shelf not in moneybags which were present and filled to pop. Also, there were two larger envelopes with a large amount of cash in the safe estimated 40k min. One envelope said "Rent" and the other was blank. As well as other bank of Easton envelopes with cash filled to bust. The agent that I had observed bringing drugs into my home seemed to be in charge. He stated and wrote on the paper the only the amount he just counted which totaled a little over 62400.00. I told him "That's not all

my money in the safe! Where is the second money bag?” He stated, “The money bag is in your safe.” I asked for clarification, “The second money bag is in my safe?” To which he replied “Yes”. I was confused by this as I could not understand why they would take some of the money in the safe but not all of it. After making that statement, the officer in charge quickly went out the door and the remaining officers followed out the side door; and was off of my property in less than a minute. Distracted and out of sorts by the trauma that had just ensued, I did not think to go up to the safe to check for the second money bag until after I got a glass of water. Upon inspection of my safe less than 3 minutes later I noticed that there was no second money bag and multiple items of jewelry were missing. Oh my God they stole my stamps I knew for a fact that those items were not listed on the inventory list I was asked to sign. I am in disbelief at the fact that law enforcement could under the color of law have the authority to use an explosive on your door, wake you out of sound sleep, order you out your home at gunpoint. This was conducted with a body warrant only by means of a probation violation warrant not for you but someone who lives in your house. The actual Homeowners were subject to trickery, stealing, and simply the biggest corruption I have seen done to a legal law-abiding individual. Outraged as law enforcement officers are supposed to protect and serve not to illegally obtain the personal property of the citizens they are called and sworn to serve and protect and is their fiduciary duty.

In fact, I believe the Government sent on 3/22/21 Adilson Teixeira as a CI with a container full of weapons the day before the illegal warrantless warrant search. I saw Adilson walking up through my back yard carrying the same container FBI Agents tried to bring to my home the following day after the illegal search. Early in the morning 3/24/21 I received a knock at the door. I was surprised to see them at my door again without explosives and tactical tanks and even more surprised that they knocked. I answered the door they had a container that they wanted me to sign for. I asked them was my money in this container. They stated no. I asked them why would they drive from Chelsea to bring a container that is not mine, has no value, all the way back to my home? I was very curious but madder especially when all my expensive jewelry, stamps, tennis bracelet, and 150k engagement ring were not in this container in addition you want me to sign for a container that is not mine with none of my property in it seized or stolen? Boggles the mind. So, I emailed Attorney Sims to ask him what he thought this was this about? But then I put two and two together Adilson must have brought guns in the container that police were trying to have me sign for. When Christian was taking a shower the day of 3/22/21; I stopped home to walk the dog. Mr. Teixeira entered the basement through the rear basement door. I am not the only one who saw Mr. Teixeira at my home with what appeared to be the same container that FBI drove all the way from Chelsea to deliver to me an empty container and tried to coerce me to sign a paper and take custody of this container. His friend 2 days after incident came to my office to say Adilson set my son up with FBI as he Nico was outside my home parked on back street of my property my son's friend observed Adilson Teixeira he observed

him as well and he described the container which was the same as the one that FBI brought to my home. That's why there is a protective order to protect his identity as he is the C.I. I feel He made a deal to get a break in the trouble he was facing for drug and gun possession. Nico said he too, meaning Adilson was on an ankle bracelet and the FBI was monitoring him. He told me Adilson was facing serious charges is working with the Feds he said. I thought my son was downstairs, but he was in the shower. I yelled upstairs Christian your friend is here and how come basement door is open if you're in the shower. I continued to complain about his friend entering and being in my house unaccompanied as my Boyfriend hates anyone besides family being in our home.

### **GENERAL ALLEGATIONS**

**The plaintiff reallege paragraph 1 thru 12, above, and incorporate the herein by reference**

- 1.) The government cannot draw Nexus to honest earned money that was seized; most stolen by one of the many FBI agents working for the United States or state police. The claimant cannot say which officer or Agency was the thief as both homeowners were denied access to watch as well as Attorney while officers illegally searched their home. Claimant who brought a licensed Attorney to the Scene was also denied access to be present inside claimants' home when searched especially safe which claimants concern was larceny as she just witnessed with Ms. Bingle currency and property being taken and then told what a good time they are going to have with her money. Both the homeowners and their Attorney had the legal right to be present and were denied and had right to observe in law enforcement search her home. If nothing illegal was going on why for transparency where we all denied access to watch the search that was illegal in inception as well as STEALING, PLANTING EVIDENCE, DEPREVIATION OF RIGHTS.

2. Ms. Bingle contacted US Federal Prosecutors Office multiple times in which she was told that they are not holding her money which we all saw the officers on front lawn being myself my daughter and my boyfriend saw them take the money and the phones she had in her pocketbook, and I have most of this on video. She too is innocent Owner she just received Pandemic money as she received 3000 for her child . She will be subpoenaed for testimony as her 4<sup>th</sup> and 5<sup>th</sup> amendment too was violated.

Violation 28 U.S.C.A. 1442 Larceny by Police is against the law and code of conduct.

3. Larceny is against state of Massachusetts laws, as well as code of conduct, for any law enforcement official. Therefore, State Police, Brockton Police, and FBI Agents violated their own policies and oath sworn to by each law-enforcement official. Law Enforcement Officers violated the law by stealing valuables such as jewelry, numerous gold chains with pendants, valuable stamps, diamond tennis bracelets and currency. Law enforcement violated their own policy and procedures. Under the Color of Law 28 U.S.C.A 1442. Violations of 4<sup>th</sup>, 5<sup>th</sup>, 14<sup>th</sup> Amendment.

4. Michelle Torrey had \$148,820.00 at bare minimum in her safe that was last time she counted, which had been a few months so potentially there was over \$160,000. to 170,000.00. The inventory sheet had \$62,400 that means someone stole just under \$100,000. Law enforcement Officers violated 28U.S.C.A 1442 Mass Law Criminal Larceny over 250,000.00 and also violated my Constitutional Rights under the 4<sup>th</sup> and 5<sup>th</sup> Amendment violations

5. Ms. Torrey had an expectation of privacy and was subject to be demanded out of bed than out her home at gunpoint, forced out of bed to be scantily, dressed in nighttime hours in public, surrounded by strangers. All the while they only had a probation violation warrant for my son. They could have knocked at the door, and I would have taken him upstairs, or he could've come upstairs on his own free will as he did when placed in custody, we could all see him he was at the side door. No reason to violate my 4<sup>th</sup> amendment 5<sup>th</sup> amendment and 14<sup>th</sup> amendment rights, as well as my expectation of privacy. My home was not my castle, as should be considered. The occupants under the Fourth Amendment protects an individual's actual and justifiable expectation of privacy from the ear and eye of the government Criminal Law of Procedure 131 ((1) (2) (3) (5) (6) (7)

6. My son was in custody again at the door. The officers pushed him inside a little, but we could still see him, once in custody; which took less than 30 seconds she was placed in a cruiser located on the street. I tried to reenter my home, but I was denied Access to my home. Deprivation of Rights Violating the 4<sup>th</sup> and 5<sup>th</sup> and 14<sup>th</sup> Amendment of the Constitution Amendment .

7. I tried to make my way back into my home but was pushed back by law enforcement and said I'm going into my home in which I was told no you are not. I asked if I was under arrest I was told no but he blocked my access to climb my side steps. Constitutional 4<sup>th</sup> and 5<sup>th</sup> Amendments give a Homeowner the right to seek refuge in their home. My rights as the homeowner to seek refuge after my son was in custody was denied. The officers denied innocent Owner the rights to her real property.

8.

**Count 1: U.S.C.A. 1442(a)(1)(2)(3)(4)(b)(c)d(1)d(3)**

State Police/Brockton Police/FBI

Brockton Police Department John Doe was the host city. I saw one officer that I recognized, came and went, prior to the warrant being given to the homeowners. Brockton police officer, John Doe was derelict in his duty. If he was not the thief, which I strongly believe he was not, he should have been present, especially since all law-enforcement officers knew as I told them there was a large sum of money and my safe as well as all the fuss, I need in regards to giving the combination. Someone took the opportunity to steal my money from my locked safe. Brockton police officers are notorious for stealing from Keene, drug raids, and illegal actors. This is a known practice. This has happened to my son and his friends when he was under 18. I have several officers within the department that I know a few. I have sold houses two and four. It is a known fact that many detectives from this department steel. I personally saw a video of a veteran detective breaking into a property and \$100,000 currency was stolen. This is a common practice that police officers feel entitled to skim off the top of seized funds as they feel entitled to they themselves steal from people whom they deem to be criminals.

State police violated their oath when violating my rights. They denied me access to my home, specifically officer John Doe, which can be identified. He had a black truck. He is the officer that



brought drugs into my home. I have five videos which will support all claims that are presented to the court. I have more, but for the purpose of showing the validity for this part of the claim, I felt it important for the judge to see with his own eyes. The show of force in two army tanks, at least 35 to 40 law-enforcement vehicles, at least 40 to 60 officers and multiple canines. The law enforcement show force was not warranted for a probation violation. It looked like a standoff at a bank robbery., State police, rally their forces and came to assassinate my son. It was retaliatory by brother Officer Kilfoyle. I heard one say, "Brian is missing the party". Another said, "don't worry I'll get a picture when we zip up the bag". Are you kidding me. This is before they went to go into the home. These officers were not in fatigues, but in plain clothes. But my focus was on my son. John Doe and Jane Doe stole over \$100,000, my engagement ring (which one purchased was valued close to \$20,000), a diamond bracelet valued at over \$15,000, another \$8500 in gold chains with pendants, as well as three valuable stamps, one cent red stamp, although three stamps were postmarked, they're still very valuable. The stamps cannot be replaced. I got the stamps in a property; I sold on W. Chestnut St., Brockton over 20 years ago. Seller sold with all property left as is. My client, which is an investor, told me and my partner that we could take anything before cleaning out. I took a box of old letters as I knew the stamps were valuable. The stamps were not in my safe, and it is common practice to steal from drug raids. *Monell v Department of Social Services* 1978 42 U.S.C. 1983 for civil rights violations resulting from official policies or customs that allows or overlooks police officers stealing money.

FBI agents John and Jane does steal a little over \$100,000 US currency, three stamps value not known, one cent stamps, and two other postmarked already mailed stamps, that had been cut off envelopes, multiple gold necklaces with pendants, engagement, ring, and diamond tennis bracelet. all officers are culpable that forced their way into my home without warrant and planted evidence. Common practice to steal from drug raids.

Brian Kilfoyle sodomized my son. Violating his fourth fifth and 14th amendments. This caused a loss of consortium to family unit. Mr. Kilfoil was never prosecuted as my son has been in jail, moved repeatedly out of state, tortured and beaten and into sexual relations. Mr. Kilfoyle due to

my son's current circumstances he never able to press charges but will press charges through his mother against the above defendants..

The plaintiff reallege all previous paragraphs and incorporate them herein and in reference Prosecutor Kaitlyn O' Donnell and Office of Federal Prosecutors

It is the common practice and unwritten custom and custom that minorities must wait years to get a forfeiture hearing while Caucasians get speedy hearings. This is clear discrimination

18 U.S.C.A. 1983

Federal Prosecutor Kaitlyn O'Donnell and Office of Federal Prosecutors

1.)The prosecutor is discriminating against innocent owners based on skin color. Not affording a forfeiture hearing for three years. Claimant can control that the same officer gave a Caucasian woman Cheryl Klapman, a hearing within 90 days approximately. The forfeiture question was \$70,000 or more. She lives in the same community. The claimant can prove through evidentiary discovery that people of color, minorities wait years for a hearing, while white individuals get immediate proceedings. Even though the innocent owner presented herself and asked multiple times for her hearing and was denied for three years. Miss O'Donnell has repeatedly been called by the claimant and ignored. To delay is to deny. The government knew that the claimants' funds that were being withheld were causing great harm as she needed said funds for a medical procedure. She ignored, scoffed at the request due to claimant's skin color. as she enters her office, gave a timely hearing to a white woman that pled guilty to a crime and ignored my request over and over as well as others in her office. Ms. Klapman did not object to forfeiture. I did object, and it was known from the inception that they were taking an innocent person's money. The money should never have been taken out of the home, then denied after numerous requests for a hearing. This failure to perform a simple hearing was based on her disdain for my son, and I believe is due to her being racially biased. Klapman did get an immediate hearing as well as many others that are white while minorities wait years for the same process and this

person again pled guilty. I was never charged with a crime. The DA waited over one year to charge my son with a crime from the date of the illegal warrant, as they were made aware of police misconduct. I called her and spoke to her and told her my money was stolen from my home during the raid. She said she would call the FBI and check, she never called back. I called again and again I also confronted her at my son's last court date. She was very dismissive. I went to the office. She told me to go, which I know is to file a civil claim but when I went to inquire at the same office, I was told the DA has to initiate as it is a criminal matter. This is something that I was also told by Attorney Paul Clancy that I would have to wait until D.A. office initiates the forfeiture. Please see *Barker v Wings* 407 U.S. 514 (1972) regarding due process and please see *Kaley v Unites States* 2013 WL 5461833 (2013) *Matthews v Eldridge* 424 U.S. 319 (1976) quoting *ToT v U.S.* 319 U.S. 463, 469 (1943) The absence of any meaningful timely opportunity to be heard and challenge the basis of the court order restraining they need to employ counsel of choice “offends (a) principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.” *Medina* 505 U.S. at 445 (quoting from *Patterson*).

2.

The claimant was denied her property by the government and as an innocent owner not a criminal defendant the deprivation of property has prejudiced the claimant as if true what Attorney Jack Riordan told claimant on July 19, 2024 that a letter of presentation would need to be submitted in order to sue All listed parties for damages for the harm in which was done to the claimant and family than I must hold the person or entity responsible for the harm in which they have caused which is clear throughout the complaint. If claimant's due process rights were not violated in the forfeiture matter, she would have had enough funds to hire counsel of her choice to even the playing field and immediately suits would have been filed to hold all responsible. The government aka Ms. O'Donnell's acting as a federal prosecutor states in statement of facts that she established a nexus tied to criminal charges to Soares which is a complete falsehood. See *United States v 124700* in U.S. Currency 8th Circuit 2006. The case concluded that the government must establish a substantial connection not suspicion between the property and the alleged criminal activity. still see him, once in custody; which took less than 30 seconds and placed in cruiser. I was still denied access to my home. Deprivation of Rights Violation of homeowners.

7. I tried to make my way into my home but was pushed back by either state police FBI or ATF. I said I'm going in my home in which I was told no you are not. I asked if I was under arrest and was told no but blocked access to my steps. Deprivation of Rights

8. I saw numerous officers running up my stairs in which is crazy as myself and boyfriend pay the bills and officers were already told to leave. I was yelling. Where are you going, he said to retrieve their property. I yelled "Not your house." I will get it and return it to you. Get off my property my instructions as the homeowner were ignored. They acted as I had no right to deny access to my home. Constitutional Violation as a person should be able to retreat into their home without further intrusion. Christian in custody. Claimants' property rights are protected by the 4<sup>th</sup> and 5<sup>th</sup> amendments period. There was no probable cause body warrant and never shown to homeowner we were told search warrant and by show of force and rapid exit on forced direction as well as being pulled downstairs search warrant wasn't presented and there is a video tape when they are illegally searching the property. As well as my surveillance system that is in the possession of the government.

9. It is a common practice, not a policy that arresting officers during illegal and legal drug raids, steal money and property as they feel justified as the practice is drug dealers are scum and easy target as most are criminals with records, and no employment theory and practice. They are criminals who won't report or don't report or contest as they know who will believe them in relation to claimant. I am not a drug dealer, but a respected innocent realtor in my community that was sleeping in her bed before violently Awoken made to be in fear for my family's life, and then robbed of her dignity, property and entire life savings. By an unspoken practice that is okay to steal from drug raids as it is a common practice. I have one person that I told this unbelievable story to, one of my daughter's tenants. He lives in Massachusetts and the same thing happened to him. Stolen currency during a drug raid. I asked him what did he do about it. He said nothing. His attorney said if he fights it, he will get a worse sentence and he will receive a subpoena to testify. Stealing/larceny by anyone is criminal, but when it is done by law enforcement, it is irresponsible.

Law enforcement officers are trusted with significant power and authority; and it is crucial that they uphold the law and respect the rights of individuals. They are sworn to serve and protect.

Instances of police theft undermine the public trust in law enforcement and have serious consequences for individuals and communities. The public is protected by 28U.S.C.A. 1442 (a)(1)(2)(3)(4)(b)(c)(d)(1)d(3) revised (a)(1) is extended to apply to all officers and employees of the United States or any agency there of section 76 of title 28 U.S.C.1940 ed or incorporated in sections 1446 and 1447 of this title.

10.) Ms. Torrey was denied the right to press charges when telling Brockton Police Chief the story; I told her they stole from my home, and I would like to press charges in which she replied your money wasn't stolen it was seized. I said no it was stolen, some seized but more stolen.

She was very empathetic and called me back and gave me the number to federal prosecutor which I had already contacted. However, I contacted again. Without filing suit, I will never get the names of the officers that were here as no names were given even when asked as soon as I get all officers name and number and address I will immediately file charges on each, and every one of them that entered my property illegally for larceny. Until one of the officers admits to the theft and returns my money and jewelry, then they all will have to answer in federal court for theft. I cannot determine whom the thief was but if they wanted to avoid being accused of any larceny by the homeowner than law enforcement agencies on scene should have allowed property owners their right to observe the search under the fifth amendment search and seizure this is my right. Law Enforcement officers should not have placed greed before their badge and the oath sworn to the Commonwealth. This also could have been avoided if me or attorney, Paul Clancy were allowed to be present as the law allows. This is a violation as the homeowner is allowed to view and overlook their property while the government is in their home. This court has jurisdiction to provide relief as I want an immediate return of my money in the governments property asset seizure account \$62,420 and honorable Judge Young must hear this case and provide counsel as this is a serious and urgent matter and the claimant has suffered tremendous

harm and the government keeping honest money for another minute is a minute too long. Imagine a huge gang coming in the cover of dark blowing your door open and seizing then stealing \$100,000 and I must beg and file civil lawsuit to get hard earned money returned. There are clear laws to protect innocent owner Then I must become a lawyer while sick, spend three weeks in law, library, pay friends to help copy and get video evidence onto hard drives to submit a court to get back money I earned and paid taxes on. Sounds crazy but true. I am still shocked three years later. I am not a lawyer, but I have been forced to waste valuable time to get my lawful money back is injury to insult. The government will be fully held to the letter of the law.

### **FACTS OF LAW**

1. Under 18 U.S.C. Section 242 Home Tel & Tel Co. v. City of Los Angeles, 227 U.S. 278, 288 (1913), the Fourteenth Amendment Section 242 were both premised on the that “state powers might be abused by those whom possessed and might be used as an instrument to wrongdoings.” Congress then enacted Section 242 intended that there will be a federal remedy for the misuse by State law. See Monroe v. Pape 365, U.S. 167 183 (1961)., United States vs Calandra 414 U.S. 338 94 S. Ct 613, 38 L.E.d.2d 561 1974, Scott, supra at 363, 118 S.Ct. 2014 quoting Leon Supra at 907 104 S.Ct. 3405 The Congress that enacted 242 intended that there be a remedy for the misuse of state power to abridge federal rights (especially those protected by the Fourteenth Amendment). I have video evidence to show that after my son was in custody, it is still dark out. There is daylight and it is early morning when, after police officers having broken the law, violated my rights and illegally planted evidence, come out of my home with the red bucket full of water and a soupy substance that I’ve never seen before and was not in that red bucket when I went to bed.

2. Ms. Torrey suffered prejudice. And great harm due to Federal; Prosecutor’s unwillingness and refusal to investigate Ms. Torrey’s claims of larceny and provide a meaningful hearing of forfeiture within a reasonable time frame. I presented myself on numerous occasions to law enforcement when taken as an innocent owner possessions as well as Federal Prosecutor Ms. O’Donnell United States-v- \$8,850.00 461 U.S. 555, 113 S. Ct 2005, 76 L. Ed 2d 143 1983 in this case the Supreme Court held that the government must prove by a preponderance of



evidence that the property seized subject to forfeiture was used in criminal activity thereby emphasizing protections in civil forfeiture emphasizing the importance of due process protections in civil forfeiture proceedings. Ms. O'Donnell was derelict in her duty to provide a meaningful hearing despite being begged to do so by the claimant. This action/inaction may have caused myself and son the right to legal counsel to hold the law enforcement officers responsible for the theft of currency and valuable property. The stamps are worth way more than the 150k in the safe. I was just told Friday July 19, 2024 that I cannot sue law enforcement for my property as stolen belongings due technicality that a notice of presentation would have to go out 2 years from date of incident. Ms. O'Donnell knew full well I was going to hold these agencies accountable and needed their names to file suit and press criminal charges. accountable and was going to sue for my possessions that were stolen as well as missing currency. Ms. O'Donnell

3. Larceny is stealing United States-v- McGee 6<sup>th</sup> circuit 2009 police officer, convicted of stealing money during drug raid. Upheld conviction, emphasizing that the officers actions violated both the victims rights and the law. My rights were violated and I told the Chief of Police in Brockton that due to fact they are the host as this is their jurisdiction, they are held accountable when working with other agencies and any reasonable law enforcement officer, agent or chief should know that you cannot steal from the public. I should have been able to get the names of every officer, as it is their responsibility when a warrant is served to ensure my rights are not violated by the outside agency. The Brockton Chief of Police was polite and kind, however I was not given the option to press charges after I advised of the theft as I was told to call Caitlyn O'Donnell because their office had my money. Which I did numerous times, in addition to going there repeatedly and asked for forfeiture proceedings. I spoke to Miss O'Donnell on two occasions, and several times to multiple assistants. It has been 3 years and no meaningful steps for due process have take place. I even employed that I have medical procedures that I have been putting off due to being without my earnestly earned money.

4. United States-V- Del Toro 9th Circuit 1995 case involved several police officers stealing money and drugs during drug raids

5. United States -v- Foster (11th Circuit) 2003 case involved Police Officer convicted of stealing money and drugs during drug raids upheld conviction highlighting legal consequences of such actions.

6. People v - Rivera Police convicted of stealing money and drugs and planting evidence Importance of Accountability and the role the judicial System has in addressing police misconduct and accountability.

7. People-v- Hobbs 2015 California Case Former Police Officer convicted of stealing money during drug raids and planting evidence in multiple cases. The officer was sentenced to prison for his misconduct highlighting the serious consequences of police theft, misconduct, and corruption.

8. United States -v- Robinson 2013 former police officer in Georgia was sentenced to more than 10 years in Federal Prison for stealing money and property during searches.

9. City of Los Angeles-V- David Anthony Izquierdo 2010 case was convicted of stealing more than 300K in cash, guns, and other property during drug raids. The officers' actions led to multiple convictions being overturned and raised the concerns of police integrity and accountability these cases illustrate the importance of holding law enforcement officers accountable for misconduct including theft and corruption for manufacturing evidence.

## **VIOLATIONS**

Plaintiff realleges violations and incorporate them herein and reference

U.S.C.A. § 24 (2)(d)(1) A, U.S.C.A Constitutional Amendment 4; U.S.C.A. Amendment 5, 31 U.S.C.A. § 5317, 19; U.S.C.A. § 1615, U.S.C.A. Constitutional Amendment 8; 18 U.S.C. § 983 (c), Violations of Civil Asset Forfeiture Reform Act of 2000, Violations of 18 U.S.C.A. § 983 called into doubt Unconstitutional see United States v. Mendoza D.N.M. Sept 11, 2020 Title 18 Part 1 Chapter 46 February 18, 2016, 28 U.S.C.A. §§ 1345, 1355. Violation of Federal Rules of

Evidence (404) b and 403, 21 U.S.C.A. §§ 881. 28 U.S.C.A. 2416(d)(1)(A), 42 U.S.C.A. § 1983; U.S. Constitutional Amendment 14; 21 U.S.C.A. Constitutional Amendment 6 § 853 (n)(e)(c) Violation of Health and Sanitary Code 114884 (i) in its entirety ; 18 U.S.C.A. § 983 General Rules for Civil Forfeiture Proceeding (1) A (i) (ii) (iii) (I) (II) (IV) (V) (B) (C) (D) (F) (2) (A) (C) (I) (3) (A) (4) (A) (5).

## **JURISDICTION AND VENUE**

This action is brought pursuant to 18 U.S.C.A. § 983 Article III, Section 1 of the United States Constitution 28 U.S.C.A. §1442, U.S.C.A. 24 (2) (d) (1) A, U.S.C.A. Constitutional Amendment 4; U.S.C.A. Amendment 5; 31 U.S.C.A. § 5317; 19 U.S.C.A. § 1615; 18 U.S.C.A. § 983(c); U.S.C.A. Constitutional Amendment 8, Violation of Civil Asset Forfeiture Reform Act of 2000; 28 U.S.C.A. 1345, 1355, Violations of Rules of Evidence 404(b) and 403; 21 U.S.C.A. § 881. 28 U.S.C.A. § 2416 (d) (1) (A); 42 U.S.C.A. 1983 U.S. Constitutional Amendment 14; U.S. Constitutional Amendment 6 § 853(n) (e) (c) Violation of Health and Sanitary Code 11488(i) in its entirety. The jurisdiction of this court is proper as the acts complained in the complaint occurred in this district. The court is invoked pursuant to 28 U.S.C. §§ 1331, 1343, and 2201.

Venue is proper as acts committed in complaint occurred in this State. In a civil forfeiture action the Fourth Amendment exclusionary rule applies regarding unreasonable searches and seizures. Search, seizure and arrest, warrantless searches, and giving falsified information to a magistrate to obtain a search warrant is illegal.

## **PARTIES**

Plaintiff

Michelle M. Torrey is an adult resident of 294 Prospect St Brockton, MA 02301

v.

Defendant(s)

1.) United States of America

2.) City of Brockton

45 School St Brockton, MA 02301

3.) Commonwealth of Massachusetts

1 Ashburton Place Boston, MA 02108

4.) District of Massachusetts/and or Unites States Federal Prosecutors Office

Kaitlyn O'Donnell Individually and in his official capacity as an Assistant Federal  
Prosecutor for the District of Massachusetts

5,

**Count I: 28 U.S.C.A 1442 (a)(1)(2)(3)(4)(b)(c)(d)**

Regarding the forfeiture proceedings (1)d(3)revised (a)(1)

Michelle Torrey and Jose Rodrigues have ownership in currency in my safe, and the currency was in my bedroom in a lock safe with a lock on door. Ms. Torrey has provided in exhibits that she cashes most of her commission checks and for many years, she cashes her commission and put it in her safe instead of bank. Her average yearly salary is between \$145,000 to \$175,000 per year. She sold her home in Taunton and netted well over \$220,000 on Christmas Eve 2020. To think she did not have \$150,000 in her safe is not reasonable as she does not keep large amounts of currency in the bank. Ms. Torrey, when she purchased the home in 2005 she put \$160,000 down. Was her son an alleged drug dealer at the age of 11 Law is based on reasonable and it is reasonable to think Ms. Torrey making over \$140,000 a year plus selling her home and receiving \$220,000 plus would not have result in only \$148,820 in her safe. Men lie, women lie, money does not lie. I am owed interest on money I recently received back around December 7<sup>th</sup> 2024. I spent countless amount of time writing motions, doing research at law library, ect .for almost a whole year. I've paid at least \$500 in garage parking fees and countless ink and

paper was used to print off motions and countless wasted time and aggravation I went through to get a fraction of my money returned.

I request Attorney fees be awarded to me in amount of 20,000 for violation of Due process by Federal Prosecutor and State of Massachusetts as if host Enforcement Officer stayed present maybe my money won't have been stolen. The United States Government should have never taken the money at inception as I showed its origin beyond any doubt anyone could reasonably see the way it was bounded and banded with Teller initials on every \$1000 banded stack this was not money that was derived from anything but hard work.

Dated: July 15, 2024

### **State Police, Brockton Police**

#### **Count II: U.S.C.A. 1442(a)(1)(2)(3)(4)(b)(c)d(1)d(3)**

The plaintiff realleges Count 1 and all allegations thru out body of complaint and all Violations 'and Statement of facts

1. Brockton Police Department was the host city. I saw one officer that I recognized, came and went, prior to the warrant being given to the homeowners. Brockton police officer, John Doe was derelict in his duty. If he was not the thief, which I strongly believe he was not, he should have been present, especially since all law-enforcement officers knew as I told them there was a large sum of money in my safe as well as all the fuss I made in regards to giving the combination. Someone took the opportunity to steal my money from my locked safe. Brockton police officers are notorious for stealing from drug raids, and illegal actors. This is a known practice all though against the law and their oath. Some individuals put greed before their badge as no one will believe so they think; the criminal. This happened to my son and his friends when he was under 18. I have sold homes to several officers within the department that I know a few. I have sold houses two and four sold their homes for them and sold them on a new purchase. It is a known fact one detective in particular was on camera using a crowbar to break in and steal allegedly close to 100,000.00 many detectives from this department steal. I personally saw a video of a veteran detective breaking into a property and

\$100,000 currency was stolen. State police violated their oath when violating my rights. They denied me access to my home, specifically officer John Doe, which can be identified. He had a black truck. He is the officer that brought drugs into my home. I have five videos which will support all claims that will be presented to the court as soon as I am able to access my surveillance system tis too will be presented to the court. I have more, but for the purpose of showing the validity for this part of the claim, I felt it important for the judge to see with his own eyes. The show of force in two army tanks, at least 35 to 40 law-enforcement vehicles, at least 40 to 60 officers and multiple canines. The law enforcement show force was not warranted for a probation violation. Also, one Agent Blonde female stated they have had surveillance on my house for last two weeks and she has every plate number for anyone that came to my home in last 2 weeks. If they thought something illegal was going on they should have applied for the right warrant. Which is a search warrant not a body warrant

2. My home was surrounded by Law Enforcement it looked as if standoff at a bank robbery., State Police, rallied their forces and came to assassinate my son. It was retaliatory by officers' blue brother 's Officer Kilfoyle. I heard one say, "Brian is missing the party". Another said, "don't worry I'll get a picture when we zip up the bag". Are you kidding me. This is before they went into my home. These officers were not in fatigues, but in plain clothes. But my focus was on my son. John Doe and Jane Doe stole over \$100,000, my engagement ring (which one purchased was valued close to \$20,000), a diamond bracelet valued at over \$15,000, another \$8500 in gold chains with pendants, as well as three valuable stamps, one cent red stamp, although three stamps were postmarked, they're still very valuable. The one cent stamp was a little over 1 million Dollars. These stamps cannot be replaced. I got the stamps in a property; I sold on W. Chestnut St., Brockton over 20 years ago. Seller sold with all property left as is. My client, which is an investor, told me and my partner that we could take anything before cleaning out. I took a box of old letters as I knew the stamps were valuable. The stamps were in my safe, and it is common practice to steal from drug raids. *Monell v Department of Social Services* 1978 42 U.S.C. 1983 for civil rights violations resulting from official policies or customs that allows or overlooks police officers stealing money.
3. FBI agents John and Jane Doe's stole a little over \$100,000 US currency, three stamps value not known, one cent stamp red, not postmarked and two other postmarked already mailed



stamps, that had been cut off envelopes, multiple gold necklaces with pendants, engagement, ring, and diamond tennis bracelet. all officers are culpable that forced their way into my home without warrant and planted evidence. Common practice to steal from drug raids as no one cares about the rights of a criminal. Little did they know I am not a criminal, and I have never ever sold drugs.

4. Brian Kilfoyle sodomized my son. Violating his fourth fifth and 14th amendments. This caused a loss of consortium to family unit. Mr. Kilfoyle was never prosecuted as my son has been in jail, moved over and over again out of state, tortured and beaten and forced into sexual relations.in jail with another female inmate who just had my grandchild. The Bureau of Prisons refuse won't give me a DNA test for the baby. The Bureau of Prisons fired multiple guards for having relationship s with female inmates resulting in pregnancies. There big idea to get out of the trouble was to pick inmates to have relations with these women to cover up their sexual deviant behavior. Multiple guards were terminated Mr. Kilfoyle due to my son's current circumstances of being incarcerated was never charged or held accountable for the deed he did in 2019 of sodomy. My son wanted to press charges never able to press charges will press charges through his attorney Kaitlyn O'Donnell.

### **Count III**

#### **18 U.S.C.A. 1983**

1. The prosecutor is discriminating against innocent owner on the basis of skin color. Not affording a forfeiture hearing for three years. Claimant can control that the same officer gave a Caucasian woman Cheryl Klapman, a hearing within 90 days approximately. The forfeiture question was \$70,000 or more. She lives in the same community. The claimant can prove through evidentiary discovery that people of color, minorities wait years for a hearing, while white individuals get immediate proceedings. Even though the innocent owner presented herself and asked multiple times for her hearing and was denied for three years. Miss O'Donnell has repeatedly been called by the claimant and ignored. To delay is to deny. The government knew that the claimant's funds that were being withheld was causing great harm as she needed said funds for a medical procedure. She ignored, scoffed at the request due to claimant's skin color. as she enters her office, gave a timely hearing to a white woman that

pled guilty to a crime and ignored my request over and over as well as others in her office. Ms. Klapman did not object to forfeiture. I did object, and it was known from the inception that they were taking an innocent person's money. The money should never have been taken out of the home, then denied after numerous request for a hearing. This failure to perform a simple hearing was based on her distain for my son, and I believe is due to her being racially biased. Klapman did get an immediate hearing as well as many others that are white while minorities wait years for the same process and this person again pled guilty. I was never charged with a crime. The DA waited over one year to charge my son with a crime from the date of the illegal warrant, as they were made aware of police misconduct. I called her and spoke to her and told her my money was stolen from my home during the raid. She said she would call the FBI and check, she never called back. I called again and again I also confronted her at my son's last court date. She was very dismissive. I went to the office. She told me to go, which I know is to file a civil claim but when I went to inquire at the same office, I was told the DA has to initiate as it is a criminal matter. This is something that I was also told by Attorney Paul Clancy that I would have to wait until D.A. office initiates the forfeiture. Please see *Barker v Wings* 407 U.S. 514 (1972) regarding due process and please see *Kaley v Unites States* 2013 WL 5461833 (2013) *Matthews v Eldridge* 424 U.S. 319 (1976) quoting *ToT v U.S.* 319 U.S. 463, 469 (1943) The absence of any meaningful timely oppotunity to be heard and challenge the basis of the court order restraining they need to employ counsil of choice"offends (a) principle of justice so rooted in the traditions and conscienceof our people as to be ranked as fundamental." *Medina* 505 U.S. at445 (quoting from *Patterson*).

The claimant was denied her property by the government and as an innocent owner not a criminal defendant the deprivation of property has prejudiced the claimant as if true what Attorney Jack Riordan told claimant on July 19, 2024 that a letter of presentation would need to be submitted in order to sue All listed parties for damages for the harm in which was done to the claimant and family than I must hold the person or entity responsible for the harm in which they have caused which is clear throughout the complaint. If claimant's due process rights were not violated in the forfeiture matter, she would have had enough funds to hire council of her choice to even the playing field and immediately suits would have been filed to hold all responsible. The government aka Ms. O'Donnell's acting as a Federal prosecutor states in statement of facts that she established a nexus tied to criminal charges to Soares which is a complete falsehood. See *United States v 124700* in U.S. Currency 8<sup>th</sup> Circuit 2006. Case concluded that the government must establish a substantial connection not suspicion between the property and the alleged criminal activity.

### **Count IV**

Plaintiff, Michelle Torrey re-alleges all the allegations contained in complaint are 1-9 as well as in the body of complaint and background and introduction are part of count 1 as Ms. Torrey is not a lawyer, and has previously requested to the court to appoint a lawyer preferably of Ms. Torrey's choosing. She has provided another motion and asks the court for an additional 7 days to finish all the counts as despite working on this 18 hours a day is not enough time for someone with no college education to prepare a legal document of this magnitude. Ms. Torrey is not a lawyer, being deprived access to her currency that was seized and stolen leaves her vulnerable to protect herself against the United States and their litany of lawyers. The Government and/or their employees have violated the Equal Access to Justice Act (E.A.J.A) 28 U.S.C.A. 2412(d)(1)(A) and 28 U.S.C.A. 2412 (d)(1)(A);

Comprehensive Drug Abuse Prevention and Control Act of 1970 § 511, 21 U.S.C.A. § 881. The claimant has only a high school diploma and would be no match to defend herself against the United States Government, City of Brockton et al John and Jane Doe's arsenal of unlimited counsel.

**WHEREFORE**, MICHELLE M. TORREY requests judgment as follows:

A.

**Amount in Controversy:**

Plaintiff is seeking \$148,820.00 plus damages to real property, in addition to emotional and financial harm to claimant. The Government is illegally withholding \$62,820.00 from claimant that made claim during illegal search and seizure and showed proof of origin and provided legal paperwork to support. The Government had no right to take these funds as it was honest money. Claimant showed source of money in the form of a HUD Settlement Sheet. Claimant and the Claimant's Attorney were denied access to watch the search and execution of the illegally obtained warrant. Law enforcement stole \$85,000.00 not logged in on property sheet and personal property in the form of jewelry was also stolen. Law enforcement has caused physical

damage to property, Total loss of Consortium, and caused financial ruin and inability to earn a living. All penalties and interest on all back taxes accrued since 3/23/2021 not finalized yet awaiting a full auditing from I.R.S. and as soon as I receive will be submitted for evidence. Loss of Income from 12/03/23 to present of Michelle Torrey Loss of consortium as I have to not just be my grand daughters Grandma but I have also had to play the financial role of her father as well as his role as a parent. I and other grandmother have been raising this child since incarceration 2019. The amount is estimated at 20k per year n some more than others. Mson though sentenced has a 60 day window to show what he stated in open court is valid and I have no doubt he will get an opportunity to have a fair just trial. Assuming he has been successful in his filings this is part of loss of consortium and his interests are my interests as I presented a legal POA Irrevocable that has been in place since he was under 18 years of age. He has directed me to put the claim to include his financial interest due to his loss of liberty since 2019 he is unable to successfully file any suits as he was being beaten, forced into sex acts, and there is now a female inmate pregnant in another state that is having my grandchild that I will have to take custody of in a few months. My son for the last 3 months prior to being moved back to Wyatt detention was tortured and beaten for over 3 months locked in a room with no toilet and violated for months. He had to take a plea agreement just to get out of the cesspool and escape the beatings and torturous behavior of Bureau of Prisons.

B.

**Statement of Claim:**

Michelle M. Torrey is owed \$148,820.00 in addition to \$6,000.00 taken from bedroom and room off of bedroom hidden in various locations. Jewelry stolen, include diamond tennis bracelet, engagement ring, various gold chains with pendants. In 2023 my real estate license was not renewed due to unpaid taxes which claimant cannot pay due to government holding money hostage and not affording Claimant with a forfeiture hearing for over three years nine months. I have PTSD from this event, and this event has caused damage to my reputation and ability to work. Claimant is looking to litigate matter on each merit and is asking court for immediate return of monies and \$2 million in damages. Loss of consortium of whole family unit. Loss of 8

months real estate commissions to date. The claimant needs her money releases immediatly to satisfy debt that should have been paid per I.R.S. code.

C.

### **Relief**

Plaintiff asks that \$62,820.00 currency immediately be returned with interest. As well as the \$85,000.00 law-enforcement stole from her home as a probation violation warrant for my son turned into complete disregard for a rule of law and allowed law enforcement acting outside of their role to obtain an illegal search warrant, which was then the vehicle for law enforcement to plant evidence and steal from me and my family. They seized lawful assets, and I saw and have witnesses that saw an agent bring drugs into my home. I have suffered a complete loss of consortium and I'm therefore requesting, in addition to the amount controversy of \$148,820.00, \$2 million in damages. The claimant has multiple videos showing violations and misconduct of law-enforcement. In addition, the surveillance system and corresponding footage that was taken from my home will also support the claim of 4th, 5th, 8th, and 16th amendment violations. The harm caused by these egregious acts of law enforcement under the color of law acting outside of their duty is clear and present once evidence is presented to court. The Defendant wants Plaintiff to provide cancel checks which were not drawn on Plaintiffs account as I am an employer and do not have ownership interest in Torrey and Associates. I provided a legal document that was recorded with Bristol County Registry of deeds as well as 1099 to I.R.S for well over 200k than provided in Evidence a letter from employer as well as a letter from banking institution and as recently as July 18, 2024, Ms. Odonnell and Forfeiture Dept still wanted more documentation. Again, I state black people are allowed to keep currency in their homes and I refuse to yet again be subject to counting the jellybeans in the jar in order to receive not even half of money taken out of my safe on 3/23/21. Please rule immediately on this matter. I am not able to renew my license due to back taxes not being able to meet my financial obligations to I.R.S. due to the events above as my taxes prior to this incident were current.

Respectfully submitted,

MICHELLE M. TORREY,  
On behalf of herself, Pro sea

Plaintiff,

A handwritten signature in black ink, appearing to read "Michelle Torrey", written over a horizontal line.

Michelle Torrey

Signed under the pains and penalties of perjury